

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF GEORGIA
GAINESVILLE DIVISION

In re:)
) CASE NO. 14-22766-jrs
PETER DOMINIC ANZO,)
) CHAPTER 7
Debtor.)

**MOTION TO REOPEN CHAPTER 7 BANKRUPTCY PROCEEDING AND
TO EXTEND DEADLINE TO FILE A COMPLAINT SEEKING TO
REVOKE DISCHARGE UNDER 11 U.S.C. § 727**

COMES NOW Dallas A. Hurston, creditor in the referenced bankruptcy case, pursuant to Fed. R. Bankr. P. 5010 and 11 U.S.C. § 350(b), and files this Motion To Reopen Chapter 7 Bankruptcy Proceeding and To Extend Deadline To File a Complaint Seeking To Revoke Discharge Under 11 U.S.C. § 727, showing the Court as follows:

1. Debtor, Peter Dominic Anzo (“Debtor”), filed for relief under Chapter 7 of Title 11 of the United States Code (“Bankruptcy Code”) on November 25, 2014.
2. On September 28, 2015, the Chapter 7 Trustee filed a Report of No Distribution, stating that the Trustee was unable to find any property available for distribution to creditors from the Bankruptcy Estate.
3. On September 29, 2015, the Court issued an order discharging Debtor

and closing the Bankruptcy Estate.

4. Section 727(d) of the Bankruptcy Code includes several grounds under which, on the request of a creditor, the Court must revoke a discharge granted to a debtor. Those grounds include, without limitation, fraud of the debtor.

5. Under Section 727(e), a complaint seeking a revocation of discharge must be filed within one year after the discharge is granted.

6. Accordingly, the deadline to file a complaint seeking to revoke Debtor's discharge in this case is September 28, 2016.¹

7. Recent investigations into the activities of Debtor in connection with the Chapter 11 bankruptcy proceeding of LaPrade's Marina, LLC² ("LMLLC Chapter 11 Case"), an entity owned, in part, by Debtor, have uncovered potentially fraudulent activity and concealment of personal assets by Debtor both before Debtor filed for Chapter 7 bankruptcy relief and during the pendency of this bankruptcy case.

8. Specific facts relating to Debtor's fraudulent activity were uncovered in the LMLLC Chapter 11 Case during the Rule 2004 examination of Debtor on August 24, 2016, and, additional facts and evidence of fraud likely will be

¹ Mr. Hurston timely filed a Motion To Extend Deadline To File a Complaint Seeking to Revoke Discharge Under 11 U.S.C. § 727 on September 27, 2016. This Motion is filed to also seek to reopen the case.

² In re LaPrade's Marina, LLC, United States Bankruptcy Court, Northern District of Georgia, Gainesville Division, Chapter 11 Case No. 15-20697-jrs.

uncovered during the Rule 2004 examination of Performance Consulting Partners, LLC, scheduled for October 6, 2016. Creditor Multibank 2009-1 CRE Venture, LLC describes the wrongful and potentially fraudulent actions of Debtor and LMLLC in its Objection to LMLLC's Motion To Dismiss the LMLLC Chapter 11 Case, filed on September 23, 2016 [Doc. 216 of the LMLLC Chapter 11 Case].

9. In light of these exigent circumstances, Mr. Hurston and the other creditors in this case should be afforded additional time to seek to revoke Debtor's discharge; otherwise, the creditors, like Mr. Hurston, will have no recourse to address Debtor's recently-discovered, potentially fraudulent conduct.

WHEREFORE, Mr. Hurston requests that the Court issue an order (i) reopening Debtor's Chapter 7 bankruptcy proceeding, and (ii) granting an extension of the deadline to file a complaint seeking to revoke Debtor's Chapter 7 discharge under Section 727(d) through and including December 30, 2016.

This 29th day of September, 2016.

100 Galleria Parkway
Suite 1800
Atlanta, Georgia 30339
Phone: 770-956-9600
Fax: 770-956-1490

HOLT NEY ZATCOFF & WASSERMAN, LLP

By: /s/ Melissa J. Perignat
Melissa J. Perignat
Georgia Bar No. 141243
Email: mperignat@hznzw.com
Derek J. Krebs
Georgia Bar No. 915343
Email: dkrebs@hznzw.com

Attorneys for Creditor, Dallas A. Hurston

CERTIFICATE OF SERVICE

I hereby certify that I have this day served the foregoing Motion To Reopen Chapter 7 Bankruptcy Proceeding and To Extend Deadline To File a Complaint Seeking To Revoke Discharge Under 11 U.S.C. § 727 by serving same using the CM/ECF System and causing a true and correct copy of same to be deposited in the United States Mail, first-class postage prepaid, addressed as follows:

Scott B. Riddle
Law Office of Scott B. Riddle, LLC
3340 Peachtree Road NE
Suite 1800, Tower Place
Atlanta, Georgia 30326

Office of the United States Trustee
362 Richard Russell Building
75 Spring Street, SW
Atlanta, Georgia 30303

This 29th day of September, 2016.

/s/ Derek J. Krebs
Derek J. Krebs
Georgia Bar No. 915343